

**Townes, Yolunda**

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**From:** Townes, Yolunda on behalf of Interference Trial Section

**Sent:** Friday, January 14, 2005 4:07 PM

**To:** 'ddeline@dow.com'; 'abarlow@jenner.com'; 'ssyed@jenner.com'; 'Ashley I. Pezzner (CONNOLLY BOVE)'; 'Rudolf E. Hutz (CONNOLLY BOVE)'

**Subject:** Interference #105250\_024 (RT) - Redecoration-Bd.R. 203(c)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Patent Interference No. 105,250

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**Dow Chemical Company**  
(5,527,929),  
Junior Party,

v.

**Basell Polyolefine GmbH**  
(09/851,643),  
Senior Party.

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**REDECLARATION - Bd.R. 203(c)**

**A. Redeclaration of interference**

The captioned interference is redeclared to reflect the change in accorded benefit for Dow. The details of the application, patent, count, and claims designated as corresponding to the count remain otherwise unchanged.

**B. New priority statement**

If either party believes it needs to file a new priority statement in view of the change in benefit, the party should promptly arrange a telephonic conference with the opposing party and the Board.

**C. The parties to this interference**

Junior Party

**Inventors:** Francis J. Timmers and David D. DeVore

**Patent:** US 5,527,929, issued 18 June 1996  
(08/482,135, filed 7 June 1995)

**Title:** Zwitterionic biscyclopentadienyl complexes

**§102(g) benefit:** 08/481,791, filed 7 June 1995  
(US 6,465,384, issued 15 October 2002) and  
08/284,925, filed 2 August 1994

Senior Party

**Inventors:** Gerhard Erker, Bodo Temme, Michael Aulbach, Bernd Bachmann,  
and Frank Kuber

**Application:** 09/851,643, filed 8 May 2001  
(reissue of US 6,002,032, issued 14 December 1999)

**Title:** Transition metal compound

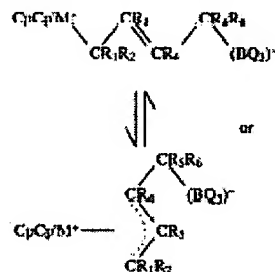
**§102(g) benefit:** 08/478,900, filed 7 June 1995 (US 6,002,032)  
DE 44 20 456, filed 13 June 1994

**D. Count and claims of the parties**

Count 1: A metal complex of claim 1<sup>1</sup> of US 5,527,929.

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<sup>1</sup> 1. A metal complex corresponding to one of the two zwitterionic equilibrium structures of the formula:



wherein:

M is titanium, zirconium or hafnium in the +4 formal oxidation state;

Cp and Cp' are each a substituted or unsubstituted cyclopentadienyl group bound in an  $\eta^5$  bonding mode to M, said substituted cyclopentadienyl group being substituted with from one to five substituents independently selected from the group consisting of hydrocarbyl, silyl, germyl, halo, cyano, and mixtures thereof, said substituent having up to 20 nonhydrogen atoms, or optionally, two such substituents other than cyano or halo together cause Cp or Cp' to have a fused ring structure, or one substituent on Cp and Cp' forms a linking moiety joining Cp and Cp';

Q independently each occurrence is selected from hydride, dialkylamido, halide, alkoxide, aryloxy, hydrocarbyl, and halosubstituted-hydrocarbyl radicals, said Q having up to 20 carbons with the proviso that in not more than one occurrence is Q halide;

R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub> and R<sub>6</sub> are independently hydrogen, hydrocarbyl, silyl and combinations thereof, each of said R<sub>1</sub> to R<sub>6</sub> having up to 20 nonhydrogen atoms; and

B is boron in a valence state of 3.

The claims of the parties are:

Dow: 1-3

Basell: 1-21

The claims corresponding to Count 1:

Dow: 1-3

Basell: 1-21

cc (via electronic mail):

For Dow Chemical Co.: **Douglas N. Deline**, DOW CHEMICAL COMPANY of Midland, Michigan, with **Aaron Barlow** and **Shehla F. Syed**, JENNER & BLOCK LLP of Chicago, Illinois.

For Basell Polyolefine GmbH: **Ashley I. Pezzner** and **Rudolf E. Hutz**, CONNOLLY, BOVE & HUTZ LLP of Wilmington, Delaware.